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13 MARIA QUINTO-COLLINS, et al.,

14

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 MARIA CASSANDRA QUINTO-COLLINS, et
18 al.,

19 Plaintiffs,

20 v.

21 CITY OF ANTIOCH, et al.,

22 Defendants.

23 Case No. 4:21-cv-06094-AMO

24 **DECLARATION OF BEN NISENBAUM
IN SUPPORT OF PLAINTIFFS'
DAUBERT MOTIONS**

25 **Time: 10:00 am**

26 **Date: December 14, 2023**

27 **Courtroom 10, 19th Floor**

28 **Hon. Araceli Martinez-Olguin**

29 I, Ben Nisenbaum, hereby declare:

30 1. I am an attorney at law licensed to practice before this Court. I am an attorney with the Law
31 Offices of John L. Burris, attorneys of record for Plaintiffs in the above-referenced matter. This
32 Declaration is submitted in support of Plaintiffs' *Daubert* Motions.

33 2. A true and correct copy of the Contra Costa County Coroner's Report regarding the autopsy
34 of Angelo Quinto by Dr. Ikechi Ogan is attached hereto as Exhibit A.

1 3. A true and correct copy of transcript excerpts from the Coroner's Inquest pertaining to this
2 matter is attached hereto as Exhibit B.

3 4. A true and correct copy of transcript excerpts from the Deposition of Dr. Ikechi Ogan is
4 attached hereto as Exhibit C.

5 5. A true and correct copy of the Rule 26 Report of Defendants' expert toxicologist, Dr. Neil
6 Benowitz, is attached hereto as Exhibit D.

7 6. A true and correct copy of transcript excerpts from the Deposition of Dr. Neil Benowitz is
8 attached hereto as Exhibit E.

9 7. A true and correct copy of the Rule 26 Report of Defendants' expert emergency physician and
10 cardiologist, Dr. Gary Vilke, is attached hereto as Exhibit F.

11 8. A true and correct copy of transcript excerpts from the Deposition of Dr. Gary Vilke is
12 attached hereto as Exhibit G.

13 9. A true and correct copy of the Rule 26 Report of Defendants' expert forensic pathologist, Dr.
14 Joseph Cohen, is attached hereto as Exhibit H.

15 10. A true and correct copy of the Rule 26 Report of Defendants' police practices expert, Robert
16 Fonzi, is attached hereto as Exhibit I.

17 11. A true and correct copy of Physicians for Human Rights' Report entitled "Excited Delirium"
18 and Deaths in Police Custody" is attached hereto as Exhibit J.

19 12. A true and correct copy of the abstract of a study conducted by Shaun D. Carstairs and others,
20 entitled "A retrospective review of supratherapeutic modafinil exposures," is attached hereto as
21 Exhibit K.

22 13. A true and correct copy of a second autopsy report, written by Dr. Bennet Omalu, who
23 independently conducted a second autopsy of Angelo Quinto, is attached hereto as Exhibit L.

24 14. A true and correct copy of the Rule 26 Report of Plaintiffs' expert forensic pathologist, Dr.
25 Bennet Omalu, is attached hereto as Exhibit M.

26 15. A true and correct copy of Addendum #1 to the Rule 26 Report of Plaintiffs' expert forensic
27 pathologist, Dr. Bennet Omalu, is attached hereto as Exhibit N.

16. A true and correct copy of Addendum #2 to the Rule 26 Report of Plaintiffs' expert forensic pathologist, Dr. Bennet Omalu, is attached hereto as Exhibit O.

17. A true and correct copy of the Rule 26 Report of Plaintiffs' expert toxicologist, Dr. Nikolas Lemos, is attached hereto as Exhibit P.

18. A true and correct copy of transcript excerpts from the Deposition of Nicholas Shipilov is attached hereto as Exhibit Q.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct of my personal knowledge, except where stated on information and belief, and to those matters I am informed and believe them to be true. If called as a witness, I would competently testify to those matters stated herein.

Executed September 7, 2023 at Oakland, California.

/s/ Ben Nisenbaum

Ben Nisenbaum
Attorney for Plaintiffs